

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 was told by Sergeant Whattam that some of the policies were opened the year 2012. Detective
4 Merrill located a Garmin GPS mapping device in the gray colored Toyota Sienna mini-van with
5 Oregon license plate 067BQX.

6

7 On September 6, 2018 I was notified by Sergeant Burley he had been contacted by a
8 reporter who had found an online writer's blog post called "See Jane Publish" where Nancy
9 Brophy authored an article called "How to Murder Your Husband by Nancy Brophy." The article
10 was published on November 4, 2011. I viewed this article and noted the number one motive for
11 murdering your husband was "financial." Also, under the "Options to Consider" section in the
12 article, "Guns" is listed as the first option. The opening paragraph to the article also states "I
13 spend a lot of time thinking about murder and, consequently, about police procedure." (See
14 attached article, EXHIBIT A) It is clear that Nancy Lee Crampton-Brophy has conducted
15 research into the motives, planning, and concealing the crime of murder, and that research is
16 likely to be found on her electronic devices.

17

18 **Electronic Search:**

19

20 I am requesting a warrant to search the following electronic devices for evidence of the
21 crimes of Murder, as defined in Oregon Revised Statute 163.115, and Unlawful Use of a
22 Weapon, as defined in Oregon Revised Statute 166.220, and to authorize the processing, testing,
23 analyzing, comparing, and/or searching of this evidence by me and other Detectives with the
24 Portland Police Bureau, Criminalists from the Portland Police Bureau Forensic Evidence
25 Division and/or other Forensic Investigators with the Oregon State Police Criminal Laboratory,
26 or any other sworn law enforcement agency within the State of Oregon: 1. An Apple I-phone

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY**

3 belonging to Nancy Lee Crampton-Brophy, 2. a purple colored Lexar thumb drive, 3. a silver
4 colored HP laptop computer with serial number [REDACTED], 4. a black and gray colored HP
5 laptop computer with serial number [REDACTED] 5. A Garmin GPS mapping device;

7 From my training and experience as a police detective along with conversations with
8 other investigators I know that more likely than not persons involved in premeditated murder
9 will conduct extensive research and planning in order to conduct and conceal their crime. This
10 research includes internet searches with personal home computers, cell phones, and other
11 electronic devices on how best to conduct a murder as well as how to avoid detection. I know
12 from my training and experience investigating similar premeditated crimes that these internet
13 searches can be bookmarked for future access providing evidence of intention and motive, I also
14 know these internet searches will include inquiries into areas on how to flee apprehension, as
15 well as ways to best benefit from the commission of the crime, such as insurance agency
16 protocols and correspondence for payment of benefits from various policies and insurance
17 agencies. I know this research and planning can be found on electronic devices such as
18 computers, electronic devices, smart phones, and small memory storage devices. I further believe
19 that it is more likely than not that this type of evidence will be located within the I-Phone
20 belonging to Nancy Lee Crampton-Brophy as well as the Lexar thumb drive (a type of electronic
21 device), and HP laptop computers seized pursuant to a previous search warrant, and because of
22 the previously mentioned bookmark on the Brophy's shared iPhone account revealing a prior
23 search for "10 ways to cover up a murder."

Based upon this ongoing investigation I believe the planning of the murder of Daniel Brophy
has been conducted sometime prior to the posted article of "How to Murder Your Husband" on

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY**

3 November 4, 2011.

4

5 A. Type of Search

6

The type of search to be performed includes creating an “image” of the contents of the cell phone, computers and other electronic devices to be performed using forensic imaging tools that are appropriate to analyze these specific devices. An “image” of a device means that the tool used to conduct the analysis will attempt to copy an exact mirror copy of all data from the original device into a forensic copy; such copy can be later verified as a true and accurate copy of the contents for evidentiary purposes. The particular tools necessary to analyze the phone, computers and electronic devices cannot be reasonably ascertained at this time due to the fact that different tools work better or worse dependent on: (1) the type of phone, computer and electronic device, (2) the specific operating systems being used including operating system updates, and (3) ongoing updates to the tools themselves that improve their capabilities. The tool will capture all data possible on the devices and provide it to Law Enforcement as an “image” of the contents of the device. However, said tools and analysis do not include automatically using the device as a portal to access and download other information stored on internet based sources which are not stored locally on the device itself.

21

Once the image and any report concerning the images is produced to your affiant, the search of that image for relevant evidentiary data will be limited to the terms of this warrant. The search of the device and its image will be limited to the types of evidence sought below; however, the court should be advised that modern electronic communications devices and computers store these types of information in any myriad number of file structures and databases

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 and are often not segregated into discrete files that can be reasonably anticipated by your affiant
4 prior to beginning the analysis.

5

6 *B. Evidentiary Data Sought*

7

8 I request the court authorize a warrant to search the data contained in the various
9 electronic devices described herein, including the device's forensic image, for the following
10 types of data:

11

12 I. Electronic Contacts

13

14 Given my knowledge, training and experience described in this affidavit and with
15 particularity that described within this section below, I request the court authorize a search of the
16 Contacts stored on the phones, computers, and electronic devices and imaged copies of these
17 devices.

18 Based on my training and experience, I know that persons who commit premeditated
19 homicides will more likely than not use electronic devices, such as smart cell phones and
20 computers or electronic storage devices, to plan their crimes, research their intended target,
21 research how to evade detection, and coordinate with potential co-conspirators before, during,
22 and after the crime. Based on my training and experience and conversations with other
23 investigators contact information is important to understanding motive and purpose for
24 premeditated murder as contact information can reveal secret affairs, secret monetary
25 transactions, and illegal firearm purchases. Based on my training and experience, the stored
26 contacts of the phone will, more likely than not, provide evidence of these crimes in the above

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 described manner. Further, as described in the section entitled "Stored Communications" the
4 contacts list will be necessary to understand to whom stored communications were sent and
5 received. Additionally, it is not feasible to separate out the Contact list stored on a phone or
6 computer or other electronic devices from the stored communications seizure since, based on my
7 training and experience, I know that electronic devices will frequently cross-populate stored
8 communications with stored contacts such that a text messages or calls received from a phone
9 number known to the phone device or computer because such number has a corresponding
10 contact, and will automatically display the contact information stored in the device.

11

12 II. Cell Phone Call history and call logs

13

14 Given my knowledge, training and experience described in this affidavit and with
15 particularity that described within this section below, I request the court authorize a search of the
16 cell phone, and imaged copy of said phone, for call history and call logs on the cell phone
17 created or modified from November 4, 2011 until the apprehension of Nancy Lee Crampton-
18 Brophy on September 5, 2018.

19

20 I know from my training and experience that persons with cell phones will, more likely
21 than not, store phone numbers for persons under real names or nicknames and that, more likely
22 than not, when a name and phone number are saved into a phone, they will come up on the caller
23 identification automatically when the phone receives a call. I know from my training and
24 experience that cell phones will preserve a call history for persons who call to or from the cell
25 phone. This call history will display the associated real or nick name of the person called or
26 calling along with the phone number called or calling. I know that this call log history and

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 contact history can, more likely than not, provide evidence of possible co-conspirators to the
4 crime and evidence concerning the location of evidence used in the crime, the contacts the
5 suspect spoke to during and near the commission of the crime, establish or refute alibi's of the
6 defendant, corroborate or dispute accounts of other witnesses including the suspect and provide
7 evidence the defendant's motive and intent when committing the crime. Such communications
8 can occur through voice phone calls recorded in the call history and call logs, stored voicemails,
9 images and pictures sent between confederates, text messages or similar plain text
10 communications, and email communications. I know from my training and experience
11 investigating similar crimes that the call history and call logs providing evidence of the crime
12 will, more likely than not, be found throughout the planning phase of the crime until the
13 apprehension for the crime. Call logs and call history about the crime involving the plotting,
14 planning and execution will, more likely than not, be found throughout the planning phase of the
15 crime and through the date of the crime while call logs and call history after the crime involving
16 discussions of the concealment of evidence linked to the crime, as well as discussions on escape,
17 and avoiding apprehension, more likely than not, will be found until the eventual date of
18 apprehension.

19

20 **III. Stored electronic communications**

21

22 Given my knowledge, training and experience described in this affidavit and with
23 particularity that described within this section below, I request the court authorize a search of the
24 phones, computers, and electronic devices and imaged copies of these devices, for stored
25 communications on the cell phones, computers, and electronic devices and imaged copies of
26 these devices created or modified from November 4, 2011 until the date of Nancy Lee

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY**

Crampton-Brophy's apprehension on September 5, 2018.

4

I know from my training and experience that cell phones, computers, and electronic devices can be used to store communications in a number of methods. The cell phones, computers, and electronic devices can store communications sent and received by text messaging, voice to text transcripts, voicemail, images, videos, and email communications. I know from my training and experience such stored communications include evidence prior to and during the execution of the crime such as planning, plotting and execution of the crime along with evidence that occurs after the commission of the crime such as the concealment of the crime as well as potential monetary proceeds from the commission of the crime.

13

14

14 From my training and experience, I know that more likely than not persons involved in
15 premeditated murder will conduct extensive research and planning in order to conduct and
16 conceal their crime. This research includes internet searches, internet chat room communications,
17 and social media messaging on how best to conduct a murder as well as how to avoid detection. I
18 know from my training and experience investigating similar premeditated crimes that these
19 searches can be saved and bookmarked for future access providing evidence of intention and
20 motive, I also know these internet searches will include inquiries into areas in which to flee
21 apprehension, as well as ways to best benefit from the commission of the crime, such as
22 insurance agency protocols and correspondence for payment of benefits from various policies.

22

2

25 devices and imaged copies of these devices involving the plotting, planning and execution will,
26 more likely than not, be found throughout the planning phase of the crime and through the date



1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 of the crime while the stored electronic communications after the crime involving discussions of
4 the concealment of evidence linked to the crime, as well as discussions on avoiding
5 apprehension, more likely than not, will be found until the eventual date of apprehension of
6 Nancy Lee Crampton Brophy on September 5, 2018.

7

8 **IV. Pictures, Videos, Audio files and other Media**

9

10 Given my knowledge, training and experience described in this affidavit and with
11 particularity that described within this section below, I request the court authorize a search of the
12 pictures, videos, audio files and other media on the cell phones, computers, and electronic
13 devices and imaged copies of these devices, for said items created or modified from November
14 4, 2011 until the apprehension of Nancy Lee Crampton-Brophy on September 5, 2018.

15

16 I know from my training and experience that pictures, videos, audio files and other forms
17 of electronically stored media collected out of the memory of cell phones, computers, and
18 electronic devices can provide investigators with information that, more likely than not, provides
19 evidence of the crimes described in this affidavit to include evidence prior to and during the
20 execution of the crime such as planning, plotting and execution of the crime along with evidence
21 that occurs after the commission of the crime such as the profits and concealment of the crime. I
22 know from my training and experience that persons involved in the criminal acts described in
23 this affidavit more often than not possess on their cell phones, computers and electronic devices
24 photographs or videos showing themselves and the clothing they were wearing on a particular
25 date and time and these photos often will have time stamps and GPS locations attached to them.
26 Additionally, audio files can include voicemails left to and from other subjects such as

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 confidants or love interests discussing the homicide and providing additional evidence of the
4 motive, opportunity and plan of the incident. Further, based on my training and experience, I
5 know that persons committing these criminal acts will, more likely than not, possess images or
6 videos depicting the location of the crime such as pre surveillance for planning the criminal
7 action. I know from my training and experience investigating similar crimes that these images,
8 videos, audio files and media providing evidence of the crime will, more likely than not, be
9 found throughout the planning phase of the crime until the date of apprehension. Images, videos,
10 audio files and media about the crime involving the plotting, planning and execution will, more
11 likely than not, be found throughout the planning phase of the crime and through the date of the
12 crime while Images, videos, audio files and media after the crime involving discussions of the
13 concealment of evidence linked to the crime and apprehension avoidance, more likely than not,
14 will be found until the time of apprehension.

15

16 V. Internet history

17

18 Given my knowledge, training and experience described in this affidavit and with
19 particularity that described within this section below, I request the court authorize a search of the
20 internet browsing history on the cellular phone, computers, and electronic devices seized from
21 Nancy Lee Crampton-Brophy, and imaged copies of said cell phones, computers, and electronic
22 devices, for said items created or modified from November 4, 2011 until the date of
23 apprehension for Nancy Lee Crampton-Brophy on September 5, 2018.

24

25 I know based on my training and experience that cell phones, computers, and electronic
26 devices have the capability to browse the internet and such browsing history is stored within the

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

2 **MULTNOMAH COUNTY**

3 memory of the cell phone, computer, electronic devices, and small memory storage devices
4 attached to computers. I further know based on my training and experience that persons
5 committing offenses described herein will, more likely than not, possess evidence of their
6 criminal acts within their cell phone, computer, and electronic devices memory storage systems.
7 I know from my training and experience the information stored in these electronic devices can be
8 retained for long periods of time. Such evidence includes plotting, planning and execution of the
9 crime such as researching the location of the crime, researching how to commit the crime
10 including what weapons may be desirable to facilitate the crime and purchasing items and
11 weapons from the internet to assist in the facilitation of the crime. Such evidence also includes
12 apprehension avoidance and concealment of evidence after the crime. I know from my training
13 and experience investigating similar crimes that internet browsing history providing evidence of
14 the crime will, more likely than not, be found throughout the planning phase of the crime until
15 the date of apprehension. Internet browsing history about the crime involving the plotting,
16 planning and execution will, more likely than not, be found throughout the planning phase of the
17 crime and through the date of the crime while internet browsing history after the crime involving
18 discussions of the concealment of evidence linked to the crime and apprehension avoidance,
19 more likely than not, will be found until the date of apprehension;

20

21 **VI. GPS Mapping**

22

23 I know based on my training and experience that automotive global positioning satellite
24 systems (GPS) use satellite tracking technology to position the vehicles location on maps of
25 areas and regions. I know these systems have memory logs and can store a history of entered
26 positions and can also store pre-entered locations for future use in providing directions to those

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY**

3 locations. As the unit uses a memory system to store this data it is possible to examine and recall
4 the locations the unit has traversed.

5

6 Based on the foregoing, I believe that probable cause exists for evidence of the crimes of
7 Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220), will be found inside;
8 The cell phone of NANCY LEE CRAMPTON-BROPHY with assigned phone number [REDACTED]
9 [REDACTED] along with the computers, and electronic devices;

10

I know from training and experience that premature disclosure of the contents of this affidavit would jeopardize the investigation because it could release information known only to law enforcement investigators. This could allow information to be released that could otherwise compromise the investigation by witnesses and suspects related to this case.

15 Based on the foregoing, I request the affidavit be sealed until further ordered by the court,
16 excepting that it may be provided to the defense team in this case subject to the terms of any
17 protective order currently governing discovery in the case.

18

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1
IN THE CIRCUIT COURT OF THE STATE OF OREGON

2
MULTNOMAH COUNTY

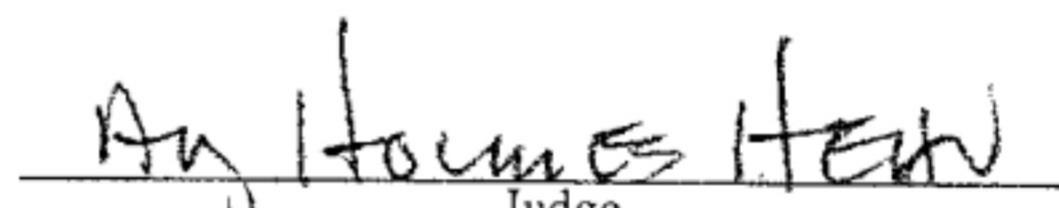
3
Therefore, based on the foregoing I pray for a warrant to search for evidence of crimes
4 related to Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220) to test, and
5 examine, to include, but not limited to:

- 6
1. An Apple I-phone belonging to Nancy Lee Crampton-Brophy with assigned number
7 [REDACTED]
- 8
2. A purple colored Lexar thumb drive,
- 9
3. A silver colored HP laptop computer with serial number [REDACTED]
- 10
4. A black and gray colored HP laptop computer with serial number [REDACTED]
- 11
5. A Garmin GPS mapping device

12
13
14

Affiant

15
SUBSCRIBED AND SWORN TO before me this 7th day of Sept 2018

16
17
18

Judge
AMY HOLMES HENN
CIRCUIT COURT JUDGE

County of Multnomah

IN THE NAME OF THE STATE OF OREGON

TO ANY PEACE OFFICER IN THE STATE OF OREGON, GREETINGS:

1 You are hereby commanded to search for evidence of crimes related to Murder (ORS
2 163.115) and Unlawful Use of a Weapon (ORS 166.220) to test, and examine, to include, but not
3 limited to:

- 4 1. An Apple I-phone belonging to Nancy Lee Crampton-Brophy with assigned number
5 [REDACTED]
6 2. A purple colored Lexar thumb drive,
7 3. A silver colored HP laptop computer with serial number [REDACTED]
8 4. A black and gray colored HP laptop computer with serial number [REDACTED]
9 5. A Garmin GPS mapping device

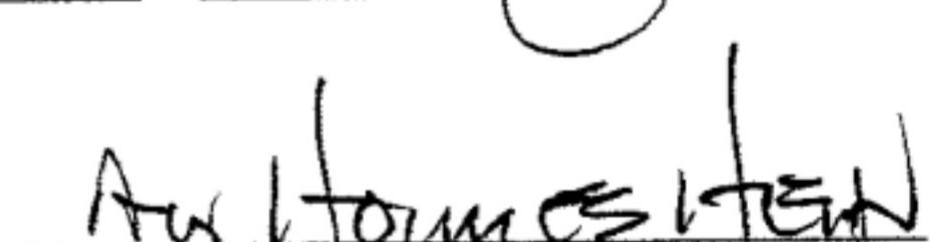
10
11 And to seize and analyze the aforesaid objects of the search based upon the confines of the
12 affidavit;

13
14 You are further directed to make return of this warrant to me within ten (10) days after
15 the execution thereof.

16 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until
17 otherwise ordered by the court.

18

19

20 ISSUED over my hand on 9/7/18 at 11:37 a.m./p.m. 

21
22 Signature of Magistrate
23

AMY HOLMES HEHN
CIRCUIT COURT JUDGE

24
25 Title of Magistrate
26

Attachment 4

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

IN RE:) PPB CASE NUMBER 18-183742
WIRELESS CELL NUMBER:)
[REDACTED]) ADDENDUM AFFIDAVIT
) FOR COURT ORDER AND SEARCH

SUBSCRIBED THROUGH:) WARRANT AUTHORIZING RELEASE
AT&T Wireless) OF HISTORICAL ELECTRONICALLY
) STORED CELL SITE/SECTOR
) INFORMATION AND CELL PHONE
) VISITOR LOCATION REGISTER (VLR)
) INFORMATION AND HISTORICAL
) PRECISION LOCATION INFORMATION
) AND SUBSCRIBER INFORMATION

ADDENDUM

APPLICANT

I, Anthony J. Merrill, upon my oath, do hereby depose and say that:

I am employed as a Detective with the Portland Police Bureau (PPB) and have been a police officer for over twenty years. I have a Bachelor of Arts Degree with a major in Political Science. I am currently assigned to the Detective Division and have worked as a member of the Homicide Detail for over the last seven years. I have attended and completed the Oregon State Basic Police Academy, the Portland Police Bureau Advanced Academy, and the Portland Police Bureau Detectives' Academy. I was also

assigned previously as a Detective to the Tactical Operations Division as a member of the Gang Enforcement Team, Robbery, Cold Case Homicide, Afternoon General Assignment, Fraud, and Assault Details. I have received training from Wicklander-Zulawski & Associates in Interview and Interrogation, Third Degree Communications, Inc. in Interview and Interrogation and Robbery Investigations, and Inside the Tape in Homicide and Crime Scene Management training. I have also attended and received training at multiple, annual Oregon Homicide Investigator Association conferences of which I am a member and have presented multiple case studies. I was assigned as a Patrol Officer at Central Precinct on afternoon and morning shifts for four years, a Street Crimes Specialty Unit Officer for one and a half years, a School Resource Officer for two and a half years, and a Mayor's Protective Detail Officer for one year.

APPLICATION

The Portland Police Bureau, by Detective Anthony Merrill, hereby apply to the Court for an Addendum to Order, related to [REDACTED] hereinafter the Subject Telephone Number #1) and [REDACTED] (hereinafter the Subject Telephone Number #2), authorizing AT&T Wireless to release: 1) historical electronically stored cell site/sector information, from November 24th, 2017 through September 5th, 2018; 2) Historical Precision Location Information for the handset of the Subject Telephone Number, from November 24th, 2017 through September 5th, 2018 and provide all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called

"Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all cellular device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account.

The Subject Telephone Numbers #1 and #2 is the subject of and is relevant to an ongoing criminal investigation related to the Murder of Daniel C. Brophy at 1701 SW Jefferson Street, City of Portland, Multnomah County, Oregon.

That upon the service of warrant signed by Multnomah County Circuit Court Judge Stephon Bushong on June 19th, 2018, which is attached and incorporated herein as **Attachment 1**, AT&T Wireless electronically stored historical cell site/sector information (not real time tracking), including Visitor Location Register (VLR) and Historical Precision Location (HPL) information, for the Subject Telephone Number #1, [REDACTED] was collected from May 2nd, 2018 through June 2nd, 2018 and examined, resulting in evidence related to the crimes of Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220).

That upon the service of warrant signed by Multnomah County Circuit Court Judge Karin Immergut on December 19th, 2018, which is attached and incorporated herein as **Attachment 2**, nine (9) life insurance policies' applications and documents were collected from the respective life insurance companies and examined resulting in evidence related to the crimes of Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220). Based on my training and experience it is more likely than not that additional evidence, documentation, and information will be collected from historical electronically stored cell site/sector information and cell phone precision location information and subscriber information.

APPLICATION / ADDENDUM

Your affiant is making an application of addendum to the Court for a historical Ex-Parte order to be issued to AT&T Wireless, a wireless cell phone company, through its appropriate agent, releasing electronically stored historical cell site/sector information (not real-time tracking), including Visitor Location Register (VLR) and Historical Precision Location (HPL) information, for the Subject Telephone Numbers #1 and #2, and all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the

ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all cellular device information from June 2nd, 2018 through September 5th, 2018 to include purchase or replacement of new cellular phone devices associated with this account, because there are reasonable grounds to believe that such information is relevant and material to the ongoing criminal investigation.

1. Applicant certifies that the Portland Police Bureau is engaged in a criminal investigation involving Nancy Lee Crampton-Brophy. It is believed that Nancy Lee Crampton-Brophy was using the Subject Telephone Number #1 during and surrounding the relevant time period, and that the information likely to be obtained from electronically stored historical cell site information, including Visitor Location Register (VLR) information, and Historical Precision Location information is relevant to the ongoing criminal investigation.
2. Applicant certifies that the Portland Police Bureau is engaged in a criminal investigation involving Nancy Lee Crampton-Brophy. It is believed that Daniel Brophy was using the Subject Telephone Number #2 during and surrounding the relevant time period, and that the information likely to be obtained from electronically stored historical cell site information, including Visitor Location

Register (VLR) information, and Historical Precision Location information is relevant to the ongoing criminal investigation.

3. I have specific and articulable facts to believe the Subject Telephone Number #1 and #2 are associated with the same AT&T account.
4. I have specific and articulable facts to believe that Nancy Lee Crampton-Brophy, with DOB [REDACTED] is a subject of interest in this ongoing criminal investigation.
5. Applicant requests that the Court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Numbers #1 and #2, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Numbers #1 and #2 from November 24th, 2017 through September 5th, 2018.
6. The applicant further requests that the order direct the furnishing of information, facilities and technical assistance necessary to accomplish any installation of devices necessary, if any, unobtrusively and with a minimum of disruption of normal telephone service. The communications service provider shall be compensated by the Portland Police Bureau for reasonable expenses incurred in

providing such facilities and technical assistance.

7. Applicant also requests that this Court authorize your affiant or my designee to FAX and/or EMAIL this application/affidavit and order to the phone companies and that you authorize me to allow the phone companies' employees and/or agents to conduct the actual search of their records and seize said evidence then provide the relevant documents to your affiant for subsequent review and use. Additionally, that you allow me, my agent or designees to include law enforcement and non-law enforcement personnel to search, seize, review and use all information provided. This is to include members of the Oregon Department of Justice (DOJ), as necessary.
8. Applicant requests all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller

ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account, as there is evidence that the subscriber obtained a new cell phone on August 4th, 2018, possibly in an attempt to conceal evidence associated with this incident.

9. Because this request relates to a continuing investigation, and the release of any information regarding the investigation while it remains ongoing may seriously compromise the success of the investigation and/or expose individuals to risk of harm, the applicant further requests that this application/affidavit and any associated court orders regarding the Subject Telephone Numbers #1 and #2 require the phone companies, their agents and employees not to disclose to the subscriber, or any other person, the existence of this application/affidavit and order or of this investigation unless otherwise ordered by this Court. Further, that this order and application/affidavit be sealed until otherwise ordered by this Court.

ARTICULABLE FACTS

On June 2, 2018 Detective Darren Posey and I were directed to respond to 1701 SW Jefferson Street to conduct an investigation related to the death of Daniel C. Brophy. The assigned Case Number is 18-183742. During the course of this investigation Detective Darren Posey and I oversaw the collection of information from the crime scene located in and around the Oregon Culinary Institute located at 1701 SW Jefferson Street, City of Portland, Multnomah County, and State of Oregon. Chef

Brophy's wife, Nancy Crampton-Brophy was arrested and charged with the Murder of Chef Brophy on September 5th, 2018.

The following information is provided to establish probable cause relative to the information sought in this affidavit, and does not necessarily contain all of the facts and circumstances I am aware of relative to this ongoing investigation.

On September 14th, 2018 a Multnomah County Grand Jury indicted Nancy Crampton-Brophy for Murder with a Firearm Constituting Domestic Violence (ORS 163.115). Refer to **Attachment 2** for details of the probable cause developed in this investigation, including video surveillance that shows Nancy Crampton-Brophy's grey Toyota Siena Mini-van driving in the area of the Oregon Culinary Institute, (OCI), during the timeframe of Chef Daniel Brophy's murder which occurred inside OCI. Nancy Crampton-Brophy told Detective Darren Posey and I during our death notification interview with her on June 2nd, 2018, just outside OCI, that she was home in bed that morning after her husband, Chef Daniel Brophy, left for work and during his murder timeframe.

Refer to **Attachment 2** for further details of multiple gun purchases and gun accessories', such as a slide and barrel, purchased by Nancy Crampton-Brophy which match the same caliber of the gun used to murder Chef Daniel Brophy. These guns and gun accessory purchases also match the fired bullet slugs and spent casings recovered from the crime scene and the person of Chef Daniel Brophy. Nancy Crampton-Brophy told Detective Darren Posey and I during our June 2nd, 2018 death notification interview with her that she and Chef Daniel Brophy only owned one (1) gun which she purchased on February 17th, 2018 at a Portland gun show. Nancy

Crampton-Brophy never told us about another gun she purchased in late 2017 or about a separate gun slide and barrel she purchased in late February 2018.

I know that Detective Darren Posey applied for a search warrant on September 7th, 2018 to search Nancy Crampton-Brophy's storage unit located at [REDACTED] [REDACTED] and that Multnomah County Circuit Court Judge [REDACTED] Amy Holmes Hehn signed and authorized this warrant. I know that during this search warrant we found a 9mm Glock 19 type handgun from "GhostGuns.com". The handgun was a build kit that uses an un-serialized frame so the gun does not have to be registered with governmental agencies. The gun was not assembled at the time of discovery. Detective Darren Posey told me he contacted "GhostGuns.com" regarding purchase information they might have for Nancy Crampton-Brophy. On September 10th, 2018, Detective Posey told me he received information from Kyle at "GhostGuns.com" regarding purchase information he had from Nancy Crampton-Brophy. Detective Posey told me he received via email an invoice from December 24th, 2017 for the purchase of an 80% build kit for a Glock 19, 9mm handgun. The receipt was listed for "Nancy Brophy" at [REDACTED]. The card used to purchase the gun was with a Visa credit card with last four digits of " [REDACTED]" believed to be associated with Nancy Crampton-Brophy's OnPoint Credit Union checking account. Detective Posey told me Kyle also provided the US Postal shipping information and delivery information showing a delivery on January 2nd, 2018 and a customer request for a parcel hold at the post office in Beaverton, Oregon.

This gun purchase dated December 24th, 2017 illustrates the planning for the Murder of Chef Daniel Brophy began back to the date and more likely than not began prior to that date in order to actually purchase this gun with potential research. Based

on my training and experience it is reasonable to believe prior planning and research began at least a month prior to this date of December 24th, 2017 when Nancy Crampton-Brophy actually committed to purchase an untraceable handgun through "GhostGuns.com".

On January 23rd, 2019, Portland Police Bureau Analyst Kelsey Baleilevuka, DPSST #91979, examined the AT&T Wireless electronically stored historical cell site/sector information (not real time tracking), including Visitor Location Register (VLR) and Historical Precision Location (HPL) information, for the Subject Telephone Number, [REDACTED] collected from May 2nd, 2018 through June 2nd, 2018, (Refer to Attachment 1).

Analyst Kelsey Baleilevuka told me this cell phone registered a mobile data hit consistent with the area of the Oregon Culinary Institute, (OCI), 1701 SW Jefferson Street, Portland, Oregon at approximately 0730 hours on May 12th, 2018. OCI Executive Chef Brian Wilke told me May 12th, 2018 was a Saturday and Chef Daniel Brophy was working that day with classes scheduled from approximately 0830 hours to 1630 hours. Executive Chef Brian Wilke told me Chef Daniel Brophy was usually the first instructor to arrive on the weekends and would usually arrive between 0715 to 0730 hours in the morning to prepare for his classes and students.

Based on my training and experience, this suggests Nancy Crampton-Brophy was possibly in the area of OCI to conduct surveillance, planning, and research leading up to the murder of her husband at his work site. I know that evidence collected from the search warrant listed as **Attachment 2** of several different life insurance and worker's compensation policies reveal that Nancy Crampton-Brophy was a designated

beneficiary assigned to collect several hundred thousand dollars in the event Chef Brophy was murdered at his work site. I know from talking to Nancy Crampton-Brophy's son in law, Nathaniel Stillwater, and from viewing documents from the search warrant of her residence and various storage facilities that she was a licensed life insurance sales person and therefore very knowledgeable of life insurance and worker's compensation policies.

I know that Detective Darren Posey applied for a search warrant on September 7th, 2018 for Nancy Crampton-Brophy's Apple I-phone and Multnomah County Circuit Court Judge Amy Holmes Hehn signed and authorized it. During a search of Nancy Crampton-Brophy's cell phone I saw an SMS message thread/conversation between Crampton-Brophy's cell phone [REDACTED] and the number [REDACTED] dated August 13th, 2018 with Crampton-Brophy's reply, "I'm sorry but this is a new phone and I'm not sure who this is". The reply to Crampton-Brophy's cell phone from [REDACTED] [REDACTED] was, "This is Ted Cook". "Your favorite cousin". Ted Cook later replied, "I texted you my contact info July 28", and Crampton-Brophy's cell phone replied back to him, "Yes I wrote it down because I knew I was changing phones".

I also saw during an examination of Nancy Crampton-Brophy's Apple I-phone in her Messages that there was no historical data prior to August 4th, 2018 that I could locate. The first message dated August 4th, 2018 from [REDACTED] read, "AT&T Free Msg: Great news! Your insurance replacement has shipped. Once you receive and activate your replacement device, sign out of iCloud on your damaged device then erase all personal content through Settings>General>Reset, before shipping it back to AT&T. Need help? 1-866-402-4525". The next message on August 4th, 2018 from [REDACTED] [REDACTED] read, "[REDACTED] is your Google verification code." Based on the above information

it appeared Nancy Crampton-Brophy received a new Apple I-phone in early August 2018 and possibly erased all date from her old Apple I-phone and returned it to AT&T. This possibly illustrates why there is a large gap of historical data in Nancy Crampton-Brophy's Apple I-phone prior to August 4th, 2018 and during the murder timeframe of June 2nd, 2018 at back as far as early 2018.

Given the nature of the investigation, a further record of the historical movements of Nancy Brophy and Daniel Brophy leading up to June 2, 2018 are important to the case, in order to show or negate a change of schedule or difference in places visited on particular days of the week and whether or not Nancy Brophy and Daniel Brophy were physically together or separated. Additionally, the record of historical movements could show potential planning, surveillance, or researching of Chef Brophy's work site to successfully effect his eventual murder without detection by potential witnesses and or law enforcement. The information could indicate or negate if Nancy Brophy made a significant change in behavior or actions for Saturday, June 2, 2018, the day of Daniel Brophy's murder or indicate additional observation or preparation of his work site behaviors on his scheduled weekend work shifts leading up to his murder. Because of this potential information I am asking for an extension to the information regarding Historical Precision Location (HPL) information from November 24th, 2017 through September 5th, 2018.

AND

Applicant requests all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR)

numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account.

PRAYER

Therefore, your applicant requests that the court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Number, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Numbers #1 and #2 from November 24th, 2017 through September 5th, 2018

AND

Applicant requests all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account.

Date: 1-30-19

Detective Anthony Merrill #35227
Detective Anthony Merrill, #35227, PPB

Subscribed and Sworn to before me on January 30, 2019

Jas - JR
Honorable Judge
Multnomah County Circuit Court

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

IN RE:

**AT&T Wireless
11760 US Hwy 1
North Palm Beach, Florida 33408**

PHONE NUMBERS:

PPB CASE NUMBER 18-183742

**COURT ORDER AND WARRANT
UNDER SEAL FOR COURT ORDER
AND SEARCH WARRANT
AUTHORIZING RELEASE
OF HISTORICAL ELECTRONICALLY
STORED CELL SITE/SECTOR
INFORMATION AND CELL PHONE
VISITOR LOCATION REGISTER (VLR)
INFORMATION AND HISTORICAL
PRECISION LOCATION INFORMATION
AND SUBSCRIBER INFORMATION**

ORDER

Whereas an application has been made by Detective Anthony Merrill of the Portland Police Bureau, pursuant to Oregon Revised Statutes (ORS) 165.657 to 165.673 and 18 United States Code Section 2701-2712, 3121-3127 for an order authorizing the release of electronically stored historical cell site/sector information, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmission providing the direction and strength of the signal, and the Historical Precision Location Information as the applicant had both certified and provided specific and articulable facts that the information likely to be obtained by such installation, use, and disclosure is material and relevant to an

ongoing criminal investigation, and there is probable cause to believe that the crimes of Criminal Homicide (ORS 163.005), being investigated occurred in City of Portland, Multnomah County, State of Oregon, as it is hereby authorized by this Court and Ordered that the cellular telephone provider AT&T Wireless upon request of the Portland Police Bureau, shall provide the following information and services without delay:

Release the electronically stored cell site/sectors related to the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls) and during the progress of a call, the direction and strength of signal, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmission providing the direction and strength of the signal, and the Historical Precision Location Information for handset with assigned number [REDACTED] (hereinafter the Subject Telephone Number #1) and [REDACTED] (hereinafter referred to as the Subject Telephone Number #2) from November 24th, 2017 at 0000 hours to September 5th, 2018 at 2400 hours, regarding the Subject Telephone Numbers #1 and #2.

IT IS FURTHER ORDERED, that this application and Order can be FAXED and/or EMAILED to the cellular telephone provider AT&T Wireless, and that the cellular telephone providers' employees and/or agents are authorized to conduct the actual search of their records and seize said evidence then provide the relevant documents to the Portland Police Bureau and Detective Anthony Merrill for subsequent review and use;

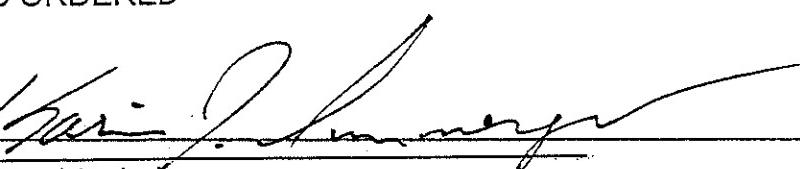
IT IS FURTHER ORDERED that law enforcement and non-law enforcement personnel, including agents of the Oregon Department of Justice (DOJ) are authorized to search, seize, review and use all information provided;

IT IS FURTHER ORDERED, that the wireless carrier be compensated by the investigative agency for reasonable expenses incurred in providing technical assistance; and,

IT IS FURTHER ORDERED that the wireless carrier provide immediately, without unnecessary delay, electronically stored cell site/sectors related to the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls) and during the progress of a call, the direction and strength of signal, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, and the Historical Precision Location Information for the Subject Telephone Number from November 24th, 2017 at 0000 hours to September 5th, 2018 at 2400 hours, regarding the Subject Telephone Numbers #1 and #2;

Good Cause having been shown, IT IS FURTHER ORDERED that this Order and affidavit be sealed until otherwise ordered by the court, that the identity of the target of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person, and that the wireless carrier and its representatives, agents and employees shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this Order or the existence of the above-described investigation, to the listed subscriber for the Subject Telephone Numbers #1 and #2, the occupant of said premises, the subscribers of the incoming calls to or outgoing calls from the Subject Telephone Numbers #1 and #2, or to any other person, in full or redacted form, unless or until otherwise ordered by the court.

IT IS SO ORDERED


The Honorable Judge
Multnomah County Circuit Court Judge

Signed this 30th day of January 2019.

Attachment 1

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

IN RE:) PPB CASE NUMBER 18-183742
WIRELESS CELL NUMBER:)
[REDACTED]) AFFIDAVIT
SUBSCRIBED THROUGH:) FOR COURT ORDER AND SEARCH
AT&T Wireless) WARRANT AUTHORIZING RELEASE
) OF HISTORICAL ELECTRONICALLY
) STORED CELL SITE/SECTOR
) INFORMATION AND CELL PHONE
) PRECISION LOCATION INFORMATION

The Portland Police Bureau, by Detective Darren Posey, hereby apply to the Court for an Addendum to Order, related to [REDACTED] (hereinafter the Subject Telephone Number), authorizing AT&T Wireless to release: 1) historical electronically stored cell site/sector information, from May 2, 2018 through June 2, 2018; 2) Historical Precision Location Information for the handset of the Subject Telephone Number, from May 2, 2018 through June 2, 2018. The Subject Telephone Number is the subject of and is relevant to an ongoing criminal investigation related to the Murder of Daniel C. Brophy at 1701 SW Jefferson Street, City of Portland, Multnomah County, Oregon.

APPLICATION

Your affiant is making an application of to the Court for a historical Ex-Parte order to be issued to AT&T Wireless, a wireless cell phone company, through its appropriate agent, releasing electronically stored historical cell site/sector information (not real-time tracking), including Visitor Location Register (VLR) and Historical

Precision Location (HPL) information, for the Subject Telephone Number, because there are reasonable grounds to believe that such information is relevant and material to the ongoing criminal investigation.

1. Applicant is a peace officer as defined in ORS 161.015 and, therefore, pursuant to ORS 165.657-673 may apply for an order authorizing the installation and use of a pen register device and a trap and trace device. I make this application pursuant to ORS 165.657-165.673 and 18 U.S.C. sections 2701-2712 and 3121-3127 which provide the form and manner for obtaining communications information, call detail material and subscriber information together with cell site/sector information.
2. Applicant certifies that the Portland Police Bureau is engaged in a criminal investigation involving Nancy Lee Crampton-Brophy. It is believed that Nancy Lee Crampton-Brophy was using the Subject Telephone Number during and surrounding the relevant time period, and that the information likely to be obtained from electronically stored historical cell site information, including Visitor Location Register (VLR) information, and Historical Precision Location information is relevant to the ongoing criminal investigation.
3. I have specific and articulable facts to believe that Nancy Lee Crampton-Brophy, with DOB [REDACTED] is a subject of interest in this ongoing criminal investigation.
4. Applicant requests that the Court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call,

along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Number, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Number from May 2, 2018 through June 2, 2018.

5. The applicant further requests that the order direct the furnishing of information, facilities and technical assistance necessary to accomplish any installation of devices necessary, if any, unobtrusively and with a minimum of disruption of normal telephone service. The communications service provider shall be compensated by the Portland Police Bureau for reasonable expenses incurred in providing such facilities and technical assistance.
6. Applicant also requests that this Court authorize your affiant or my designee to FAX and/or EMAIL this application/affidavit and order to the phone companies and that you authorize me to allow the phone companies' employees and/or agents to conduct the actual search of their records and seize said evidence then provide the relevant documents to your affiant for subsequent review and use. Additionally, that you allow me, my agent or designees to include law enforcement and non-law enforcement personnel to search, seize, review and use all information provided. This is to include members of the Oregon

Department of Justice (DOJ), as necessary.

7. Because this request relates to a continuing investigation, and the release of any information regarding the investigation while it remains ongoing may seriously compromise the success of the investigation and/or expose individuals to risk of harm, the applicant further requests that this application/affidavit and any associated court orders regarding the Subject Telephone Number require the phone companies, their agents and employees not to disclose to the subscriber, or any other person, the existence of this application/affidavit and order or of this investigation unless otherwise ordered by this Court. Further, that this order and application/affidavit be sealed until otherwise ordered by this Court.

ARTICULABLE FACTS

On June 2, 2018 I was directed to respond to 1701 SW Jefferson Street to conduct an investigation related to the death of Daniel C. Brophy. The assigned Case Number is 18-183742. During the course of this investigation I oversaw the collection of information from the crime scene located in and around the Oregon Culinary Institute located at 1701 SW Jefferson Street, City of Portland, Multnomah County, and State of Oregon.

The following information is provided to establish probable cause relative to the information sought in this affidavit, and does not necessarily contain all of the facts and circumstances I am aware of relative to this ongoing investigation.

After reviewing the initial police response, talking to officers present at the scene, and debriefing with other investigators who were present the following information has been developed regarding Case Number 18-183742. I was informed police were called